

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 191, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG—"DR. PARKER'S UNIVERSAL HEADACHE CURE."

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 12th day of October, 1909, in the District Court of the United States for the Eastern District of Wisconsin, in a prosecution by the United States against W. R. Plank Drug Company, a corporation of Fond du Lac, Wis., for violation of section 2 of the aforesaid act in the shipment from Wisconsin to Michigan of a drug contained in packages labeled and branded: "Dr. Parker's Universal Headache Cure, Price 10 cents. Serial No. 13788. Guaranteed under the Food and Drugs Act June 30, 1906. Each dose contains $3\frac{1}{2}$ grains of Phenylacetamide and $\frac{1}{2}$ grain Caffeine Cit. Prepared only by Plank Drug Company, Fond du Lac, Wis., Successors to Stiles and Givens Company," which was misbranded within the meaning of section 8 of the act in this, that it contained acetanilide and the package failed to bear a statement on the label of the quantity or proportion of said acetanilide contained therein, the said W. R. Plank Drug Company having on the aforesaid date entered its plea of guilty to the information filed by the United States Attorney alleging the aforesaid offense, the court imposed upon it a fine of \$25.

The facts in the case were as follows:

On or about February 10, 1909, an inspector of the Department of Agriculture purchased from the Michigan Drug Company, Detroit, Mich., a sample of a drug contained in packages labeled as above stated. This sample was part of a shipment of like drugs received by the said Michigan Drug Company on or about February 3, 1909, from W. R. Plank Drug Company, Fond du Lac, Wis. The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to consist of acetanilide, caffeine, sodium bicarbonate, and gummy material. As the drug contained acetanilide and there was no statement on the label of the quantity or proportion of said acetanilide contained therein other than by reference to the content of phenylacetamide, a synonym of acetanilide but a term not recognized by the Food and Drugs Act as a

substitute therefor in the labeling of articles containing acetanilide, it appeared that the drug was misbranded within the meaning of section 8 of the act, and the Secretary of Agriculture gave notice of the fact to the Michigan Drug Company, the party from whom the sample was procured, as well also as to W. R. Plank Drug Company, the manufacturer and shipper of the drug, and gave them an opportunity to be heard, and it appearing that the act had been violated by the said W. R. Plank Drug Company, the said Secretary, on September 24, 1909, reported the facts and evidence to the Attorney-General, by whom they were referred to the United States Attorney for the Eastern District of Wisconsin, who filed an information against the said W. R. Plank Drug Company, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 7, 1910.*